

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

Case No. 07-Civ-1215 (SJF)(ETB)

-against-

NOTICE OF MOTION

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT:
OF CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,

Defendants.

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Upon the Declaration of Kenneth A. Novikoff, dated October 14, 2009, the exhibits
attached thereto, the Affidavit of Mary Anne Minerva, sworn to on October 14, 2009, the
exhibits attached thereto, the Local Rule 56.1 Statement, the Memorandum of Law dated
October 14, 2009, the Defendants Incorporated Village of Ocean Beach, Mayor Joseph C.
Loeffler, Jr., individually and in his official capacity, former mayor Natalie K. Rogers,
individually and in her official capacity, and the Ocean Beach Police Department (collectively
"Village Defendants"), by and through their undersigned attorneys, will move this Court, on
_____, 2010, at the Courthouse located at 290 Federal Plaza, Central Islip,
New York 11722-4437, before the Hon. Sandra J. Feuerstein, for an Order, pursuant to Fed. R.

Civ. P. 56, summarily dismissing each and every Cause of Action asserted against the Village Defendants, and for such other and further relief as the Court deems fair and proper.

Dated: Uniondale, New York
October 14, 2009

Respectfully submitted,

RIVKIN RADLER LLP

By: /s/
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